

West Area Planning Committee

13th June 2012

Application Number: 12/00769/FUL

Decision Due by: 14th June 2012

Proposal: Erection of single storey rear extension at lower ground floor level. Removal of existing second floor rear extension, and erection of 3 storey rear extension at ground, 1st and 2nd floor levels.

Site Address: 75 Southmoor Road Oxford (**Appendix 1**)

Ward: North Ward

Agent: Turner Designs

Applicant: Mr N Mace And Ms. D. Secker-Walker

Application Called in – by Councillors – Fry, Pressel, Coulter, McManners, Khan and Clack
for the following reasons – no reason given

Recommendation:

APPLICATION BE APPROVED

For the following reasons:

- 1 The proposal is considered to respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not have a detrimental impact on the special character and appearance of the conservation area and will not impact on the neighbours in a detrimental way.
- 2 The Council considers that the proposal accords with the policies of the development plan as summarised below. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity. Any material harm that the development would otherwise give rise to can be offset by the conditions imposed.
- 3 The Council considers that the proposal, subject to the conditions imposed, would accord with the special character and appearance of the conservation area. It has taken into consideration all other material matters, including matters raised in response to consultation and publicity.

- 4 Officers have considered carefully all objections to these proposals. Officers have come to the view, for the detailed reasons set out in the officers report, that the objections do not amount, individually or cumulatively, to a reason for refusal and that all the issues that have been raised have been adequately addressed and the relevant bodies consulted.

subject to the following conditions, which have been imposed for the reasons stated:-

- 1 Development begun within time limit
- 2 Develop in accordance with approved plans
- 3 Materials - matching

Main Local Plan Policies:

Oxford Local Plan 2001-2016 (OLP)

- CP1** - Development Proposals
- CP6** - Efficient Use of Land & Density
- CP8** - Design Development to Relate to its Context
- CP10** - Siting Development to Meet Functional Needs
- HE7** - Conservation Areas
- HS19** - Privacy & Amenity
- HS20** - Local Residential Environment

Core Strategy (OCS)

- CS9** - Energy and natural resources
- CS18** - Urban design, town character, historic environment

Housing DPD – Proposed Submission (SHDPD)

- HP9** - Design, Character and Context
- HP14** - Privacy and Daylight

NB: The City Council has recently adopted for development control purposes the Sites and Housing Development Plan Document (SHDPD) prior to public examination by an Inspector later this year. It forms part of Oxford's Development Plan Framework and although not formally adopted it does carry weight as a material consideration in determining planning applications.

Other Material Considerations:

The application site falls within the North Oxford Victorian Suburb Conservation Area.

National Planning Policy Framework March 2012 (NPPF)

NB: As of 27th March 2012 the National Planning Policy Framework replaced various Planning Policy Statements (PPS's) and Planning Policy Guidance Notes (PPG's) which are now withdrawn.

Relevant Site History:

71/24188/A_H - Removal of existing pitched roof of ground floor bathroom and erection of flat roof with extension over to form additional bathroom. PDV 27th April 1971.

93/00201/NFH - Second floor rear extension. PER 22nd April 1993.

09/01357/FUL - Erection of new porch with bathroom over at no 75 Southmoor Road and erection of new porch with bathroom over, new rear dormer window and new rear extension on basement and ground floors at no 77 Southmoor Road. SPL 12th August 2009.

09/01358/CAC - Conservation area consent for demolition of existing porch and 3 storey rear extension at no 77 Southmoor Road and existing porch at 75 Southmoor Road. PNR 3rd August 2009.

Representations Received:

73 Southmoor Road: Insensitivity to the character of the area, adversely affects the amenity of the adjoining land users, large excavation to accommodate the proposed conservatory, impact on adjoining walls, 3m drop on the courtyard side of each wall which could be a hazard to children playing in the garden, risk of damage to drainage, subsidence and/or flooding, no case for the demolition of the existing timber frame extension at second floor is made, alterations to boundary wall at canal end, land ownership issues not resolved and unclear who owns the boundary.

77 Southmoor Road: Disruption from construction noise, request no skips be placed outside property in order to allow access, concerned amount the large excavation will increase risk of flooding, change in levels between the terrace and the canal will alter the drainage properties of the area.

71 Southmoor Road: no details on drainage or sewerage and the impact on them, concerned over the depth of the foundations, lowering of ground will affect trees and water levels, does little to improve the energy efficiency of the building, potential for the land to be contaminated.

Statutory Consultees:

Thames Water: no objections

Issues:

Design
Residential Amenity
Sustainability
Other Issues

Officers Assessment:

Site Description

1. The application site lies on the western side of Southmoor Road within North Ward. The property is in use as a residential house and is on the southern end of a group of four terraced houses. It is constructed in facing red brick with a plain clay tile roof. To the front is a double height bay window and to the rear is a three storey extension with the top storey having a 1990's timber framed extension.

Proposal

2. The application is seeking permission for the erection of a lower ground floor extension and a three storey rear extension in materials to match the existing property.

Assessment

Design

3. Policy CS18 of the OCS states planning permission will only be granted for development that demonstrates high quality urban design. This is reiterated in policies CP1 and CP8 of the OLP and HP9 of the SHDPD. Policy CP1 states that planning permission will only be granted for development that respects the character and appearance of the area and which uses materials of a quality appropriate to the nature of the development, the site and its surroundings. Policy CP8 suggests the siting, massing and design of the proposed development creates an appropriate visual relationship with the form, grain, scale, materials and details of the surrounding area.
4. The application site lies within the North Oxford Victorian Suburb Conservation Area where policy HE7 of the OLP applies. This states that planning permission will only be granted for development that preserves or enhances the special character and appearance of the conservation area or their setting.
5. The single storey rear extension/conservatory is set at lower ground floor level and will allow for an enlarged kitchen and family room with direct access out to a new courtyard and onto the rear garden area. It will have a double pitched roof with a low brick wall to the rear which increases in height to the sides.
6. The three storey rear extension will be of a traditional style with a pitched roof. It will have sash style windows with stone lintels and sills. It will be of a similar style and appearance of that at the other end of the terrace properties nearby thus creating a more symmetrical appearance to the rear of the properties. The removal of the upper floor timber extension is seen as a benefit as it is not an original feature. Permission was granted in 1993. It now appears as a bulky addition which is out of character and context with the rest of the dwelling and the surrounding area. It is poorly constructed, insufficiently

insulated and requires remedial works.

7. The development therefore respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings and is considered to preserve the special character and appearance of the conservation area.

Residential Amenity

8. Policies HS19 and CP10 of the OLP and HP14 of the SHDPD require the siting of new development to protect the privacy of the proposed or existing neighbouring, residential properties. Proposals are assessed in terms of potential for overlooking into habitable rooms or private open space. The proposal will not give rise to any issues of overlooking or loss of privacy. There is in fact a reduction in the amount of glazing at the upper floors compared to the existing rear elevation.
9. Policy HS19 of the OLP and HP14 of the SHDPD sets out guidelines for assessing development in terms of whether it will allow adequate sunlight and daylight to reach the habitable rooms of neighbouring dwellings. This policy refers to the 45/25-degree code of practice, detailed in Appendix 6 of the OLP and Appendix 7 of the SHDPD. With regards to 77 Southmoor Road there are no habitable room windows affected by the proposal. With regards to 73 Southmoor Road there is a window in the rear elevation serving the basement/lower ground floor which Officers assume serves a habitable room. The proposed basement/lower ground floor element of the scheme breaches the 45/25-degree code of practice. However the basement/lower ground floor element of the scheme is set behind the existing boundary wall therefore the proposal will have no impact on the basement/lower ground floor window at 73 Southmoor Road.
10. Policy HS19 also requires the City Council to assess proposals in terms of sense of enclosure or being of an overbearing nature. The basement/lower ground floor element is tucked behind the existing boundary walls therefore it will have no impact on the neighbouring properties. The ground floor and first floor will extend out by an additional 0.575m compared to the existing whilst the second floor will replace the existing wooden structure and will extend out by 3.025m. Therefore the overall depth of the ground, first and second floor element is 3.025m. The impact in terms of being overbearing is minimal and could be considered an improvement given the high level wooden structure that currently exists.

Sustainability

11. The proposal will make efficient use of the land and will provide improved family accommodation. Notwithstanding the need to meet the requirements of the Building Regulations the proposal is to be constructed in materials to match the existing property however this will involve modern materials which will provide suitable thermal insulation. This insulation will be greater than that that currently exists in the regulations. Double glazed sealed units will be

provided throughout which will also provide good thermal properties.

Other Issues

12. The existing timber framed extension and walls can be demolished without the need for consent and its removal does not therefore need to be justified.
13. The demolition and rebuilding of the boundary walls is a civil matter which should be dealt with via the Party Wall Act if a dispute arises. The information supplied has been accepted in good faith.
14. Safety issues in terms of children playing are not a matter for planning to get involved with.
15. The application site does not lie within a flood risk zone and therefore any issues relating to flooding/drainage will be a matter for Part H (Drainage and Waste Disposal) of the Building Regulations.
16. With regards to subsidence and structural issues again these will be dealt with through Building Regulations (Part A (Structure)).

Conclusion:

17. For the reasons given above and taking into account all other matters raised Officers conclude that the proposal accords with all the relevant policies within the development framework and therefore recommends approval as the proposal is considered to respects the character and appearance of the area, uses materials of a quality appropriate to the nature of the development, the site and its surroundings, will not have a detrimental impact on the special character and appearance of the conservation area and will not impact on the neighbours in a detrimental way.

Human Rights Act 1998

Officers have considered the Human Rights Act 1998 in reaching a recommendation to grant planning permission, subject to conditions. Officers have considered the potential interference with the rights of the owners/occupiers of surrounding properties under Article 8 and/or Article 1 of the First Protocol of the Act and consider that it is proportionate.

Officers have also considered the interference with the human rights of the applicant under Article 8 and/or Article 1 of the First Protocol caused by imposing conditions. Officers consider that the conditions are necessary to protect the rights and freedoms of others and to control the use of property in accordance with the general interest. The interference is therefore justifiable and proportionate.

Section 17 of the Crime and Disorder Act 1998

Officers have considered, with due regard, the likely effect of the proposal on the need to reduce crime and disorder as part of the determination of this application, in accordance with section 17 of the Crime and Disorder Act 1998. In reaching a recommendation to grant planning permission, officers consider that the proposal will not undermine crime prevention or the promotion of community safety.

Background Papers:

Contact Officer: Lisa Green

Extension: 2614

Date: 28th May 2012

Appendix 1

75 Southmoor Road



Scale : 1:1250



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Organisation	Not Set
Department	Not Set
Comments	12/00769/FUL
Date	28 May 2012
SLA Number	LA100019348